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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,484	08/29/2001	Kevin McCarthy	004770.00797	4845

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WASHINGTON, DC 20005-4051

EXAMINER
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PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/940,484

Applicant(s)

MCCARTHY, KEVIN

Examiner

Boris Pesin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-29 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-29 and 34-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 7/30/2007.

Claims 19-29, and 34-43 are pending in this application. Claims 37, 38, 42, and 43 are independent claims. In the amendment filed 7/30/2007, claims 19-29 and 34-37 were amended and 38-43 were added as new. This action is made Final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Tattari (US 5265158)

In regards to claim 37, Kumar teaches a device, comprising:

a control unit (Column 7, Lines 13-32);

a reminder application for notifying the user about the occurrences of one or more timed events, where each timed event has an associated reminder text label and a date and time for the reminder;

a clock application controlled by the control unit for providing clock information to the reminder application (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10);

a user interface including a display (Column 7, Lines 13-32);

the reminder application, when activated provides a text editor window into which the user through the user interface enters a reminder text label, and a time entry window in which the user through the user interface enters a date and time associated with the reminder text label (Column 6, Lines 48-55), the control unit adapted to execute time comparison between the clock information and the time set for said events, and to control the issuance of a reminder alert to an intended user once the clock information from the clock application matches the time set for one of said events, the device not having a calendar application that provides for display of series of pages showing dates (Column 7, Lines 13-32).

Kumar does not specifically teach entering characters via an alphanumeric key pad of the device and entering date and time information via the alphanumeric key pad. King teaches entering characters via an alphanumeric key pad of the wireless mobile communication terminal and entering time information via the alphanumeric key pad (See Figure 1B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar with the teachings of King and include an alphanumeric keypad for entering text with the motivation to provide the user a simpler method of entering data.

Kumar and King do not teach a mobile telephone device. However, Kumar does teach a handportable wireless communication terminal that is able to store information (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10). Tattari teaches a mobile telephone unit (See Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar and King with the teachings of Tattari and include phone functionality in their invention with the motivation to provide the user with greater portability options and allow the user greater flexibility in reaching his contacts.

As per claim 19, Kumar teaches a clock application providing real time clock information to the reminder application, and said reminder application displays a reminder note when the real time clock has reached the reminder time (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

As per claim 20, Kumar teaches that the reminder application provides the user access to add new reminders, view all existing reminders, and erase existing reminders (Column 7 Line 51 – Column 8 Line 22).

Claims 38, 42, and 43 are similar in scope to claim 37; therefore they are rejected under similar rationale.

In regards to claim 39, Kumar further teaches wherein the reminder application is activated (Column 6, Lines 48-55).

In regards to claim 40, Kumar further teaches wherein the control unit executes time comparison between the clock information and the time set for said events (Column 7, Lines 13-32).

In regards to claim 41, Kumar teaches wherein the control unit controls the creation of a reminder alert to the intended user once the clock information from the clock application matches the time set for one of said events (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar-King-Tattari further in view of Alperovich et al. (US 6119014) further in view of Nokia 6100 User's Guide, 9351506, Issue 2

("Nokia," [http://nds1.nokia.com/phones/files/guides/6110\\_usersguide\\_en.pdf](http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf), June 7<sup>th</sup>, 1998).

As per claim 21, which is dependent on claim 37, Kumar-King-Tattari teach all the limitations of claim 37. Kumar and King do not teach that the reminder application allows the user to transmit the reminder to a remote communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS Service Center 360 can send the SMS message 320 to the MS 300 for display on the MS display 304." (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar-King-Tattari with the teachings of Alperovich and

include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

Kumar-King-Tattari-Alperovich do not teach a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the remote communication terminal which is to receive the reminder. Nokia teaches a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the second communication terminal which is to receive the reminder (page 53, column 2, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar-King-Tattari-Alperovich with the teachings of Nokia and include a way of requesting the user to enter a phone number of the remote communication terminal which is to receive the reminder with the motivation to provide user a convenient method of contacting other users.

As per claim 22, which is dependent on claim 18, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches a terminal wherein the reminder application allows the user to search for the phone number of the remote communication terminal in an internal phone number database of the transmitting terminal (page 20, column 1, lines 16-24, *user can search a phone number database to find phone numbers*).

As per claim 23, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application allows the

user to inspect a reminder received from a remote communication terminal via a wireless communication network (page 53, column 2, lines 1-5, *reminders can be sent as messages* and page 32, column 1, lines 6-15, *messages can be received on handportable device*).

As per claim 24, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application furthermore allows the user to save or discard a reminder received from a remote communication terminal (page 32, column 2, lines 7-10 and page 32, column 1, lines 15-25).

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar-King-Tattari-Alperovich-Nokia further in view of Mercer et al. ("Mercer," US006167429A).

As per claim 25, which is dependent on claim 21, the teachings of Kumar-King-Tattari-Alperovich-Nokia in regards to claim 21 have been discussed above. Kumar-King-Tattari-Alperovich-Nokia do not explicitly disclose that the reminders are transferred via the wireless communication network included in a message according to the Smart Messaging Specification.

Mercer teaches that the reminders are transferred via the wireless communication network included in a message according to a smart messaging specification (column 1, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kumar-King-



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Tattari-Alperovich-Nokia with a means to send communications according to the Smart Messaging Specification, as taught by Mercer, with the motivation to enable access to a range of text based services from a mobile phone and therefore provide the user with more options for communication (column 1, lines 41-42).

Claims 26-29 are similar in scope to claim 25, and are therefore rejected under similar rationale.

Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Alperovich et al. (US 6119014).

In regards to claim 34, Kumar-King-Tattari teach all the limitations of claim 37. They do not teach a method comprising the step of transmitting the reminder to a remote communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS Service Center 360 can send the SMS message 320 to the MS 300 for display on the MS display 304." (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar-

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King-Tattari with the teachings of Alperovich and include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

In regards to claim 35, Kumar teaches that the clock application provides real time clock information to the reminder application and the reminder application displays a reminder note when the real time clock has reached the reminder time (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

In regards to claim 36, Kumar teaches that wherein the reminder application provides the user access to add new reminders, view all existing reminders and erase existing reminders (Column 7 Line 51 – Column 8 Line 22).

### ***Response to Arguments***

Applicant's arguments with respect to claims 19-29, and 34-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven P. Sax/  
Steven P. Sax

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